

Court of Appeals, State of Michigan

ORDER

People v Robert E Bailey

Docket No. 278047

LC No. 03-009349-FH

Henry William Saad
Chief Judge

David H. Sawyer

Jane M. Beckering

Judges

Following a bench trial, the trial court convicted defendant of two counts of conspiracy to deliver less than 50 grams of cocaine, MCL 750.157a and MCL 333.7401(2)(a)(iv), and sentenced defendant to serve two consecutive terms of three to twenty years' imprisonment.

On September 23, 2008, this Court issued an unpublished opinion which rejected several issues raised in defendant's claim of appeal, including one that invoked principles of double jeopardy. On March 18, 2009, the Supreme Court remanded this case to this Court for reconsideration of the double jeopardy issue in accord with *People v Mezy*, 453 Mich 269; 551 NW2d 389 (1996), but otherwise denied leave. ___ Mich ___, 762 NW2d 161 (Docket No. 137688).

To implement the Supreme Court's instructions, we REMAND this case to the trial court for its determination of the double jeopardy question consistent with *Mezy*. See 453 Mich at 285 (Weaver, J., joined by Boyle and Riley, JJ.), 286 (Brickley, C.J., concurring in pertinent part).

We retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAY -1 2009

Date

Sandra Schultz Mengel
Chief Clerk